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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/707,592 | 11/07/2000 | Robert Cahn | 1999-0415 | 9679 |

7590 09/23/2005

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EXAMINER

VIG, NARESH

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3629

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

This is in reference to response received by the office on 05 July 2005 to the office action mailed on 12 May 2005.

Requirement for Information under 37 CFR 1.105

Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

In the application originally filed 07 November 2000 on page 10, line 3 – 4, applicant recites "The business must determine the value of "alpha" by instrumenting the VPNs and determining the actual value of "alpha" for a particular segment of the customer community'.

In the application originally filed 07 November 2000 applicant has provided a sample of calculation using network layout of Fig. 2a – Fig. 2c. Sample provided in the disclosure does not clearly read upon the Figures referred in the sample. For example, looking at Fig.2a, "E" is the start node and "D" is the finish node. Label for edge from E to D is (E, rate for the edge, D).

Now referring to Fig. 2b, is "D" the start node or the finish node because direct edge from start to finish as shown for Fig. 2c shows that D is the start node. Also, it is not clear the whether Node D is the intermediary node, start node or it is the finish node. Edge from start to finish shows the intermediary node is node "F".

9A

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Now referring to Fig. 2c, reading in view of edge label information, "B" is the start node. In view of disclosure on page 14, lines 11 – 12, "A" and "B" are start and finish nodes. If this is true, then, edge from start to intermediary node, and, intermediary node to Finish node shows that "F" is the intermediary node, "D" is the start node, and, "F" is the finish node.

Disclosure for Fig. 3a – 3e also show similar dissimilarities.

In response to this requirement please provide the information:

Applicant is requested to clarify whether the cost calculated in the disclosure is the cost for the business to provide the services, or, it is the cost to the customers for using the infrastructure.

Applicant is requested to provide an example how, by using the applicant's invention, a business will calculate the value of "alpha". If value of "alpha" an arbitrary number, a constant then applicant is requested to state so.

Please provide a sample of making calculations using the same start node and end node with a different intermediary node for Fig. 2a – 2c and 3a – 3e. Use the values as disclosed in Table 1 and Table 2 for calculations. Explain how the values were calculated using these values.

All the material, bound text or publication and any known publications, papers, brochures, manual and press releases that describe how to calculate cost of bandwidth used in MPLS network.

Provide a list of keywords that are particularly helpful in locating publications related to calculate cost of bandwidth used in a network.

The fee and certification requirements of 37 CFR 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of the requirement under 37 CFR 1.105 that are included in the applicant's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this requirement and any information disclosures beyond the scope of this requirement under 37 CFR 1.105 are subject to the fee and certification requirements of 37 CFR 1.97 where appropriate.

In responding to those requirements that require copies of any other known documents, where the document is a bound text or a single article over 50 pages, the requirement may be met by providing copies of those pages that provide the particular subject matter indicated in the requirement, or where such subject matter is not indicated, the subject matter found in applicant's disclosure.

The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained will be accepted as a complete reply to the requirement for that item.

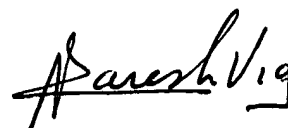
This requirement is subject to the provisions of 37 CFR 1.134, 1.135 and 1.136 and has a shortened statutory period of 2 months. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is (571) 272-6810. The examiner can normally be reached on M-F 7:30 - 6:00 (Wednesday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Naresh Vig", with a stylized flourish at the end.

Naresh Vig
Examiner
Art Unit 3629

September 13, 2005